

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID PAYO,  
Plaintiff,  
vs.  
DR. D.W. STECHSCHULTE, JR. et al.,  
Defendants.  
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## **ORDER**

On December 16, 2020, an order was entered that directed Plaintiff David Payo to show cause on or before December 31, 2020 why Defendants Orlando Harper and Dr. D.W. Stechschulte, Jr. should not be dismissed from this case. These defendants filed a motion to dismiss on August 24, 2020 (ECF No. 7),<sup>1</sup> but Plaintiff did not submit a response by September 30, 2020, the original deadline to do so. On October 8, 2020, Plaintiff filed a Notice dated October 4, 2020 that his mailing address had changed. Out of an abundance of caution given the change in Plaintiff's address, the Court issued an Order that extended the deadline for his response to defendants' motion to dismiss until November 16, 2020. This order was mailed to his new address, the Federal Correctional Institution ("FCI") at Hazelton in Bruceton Mills, West Virginia.

The order to show cause advised Plaintiff that his failure to respond would be construed as his decision not to pursue his claims against defendants Harper and Stechschulte. As of today's date, he has not responded to the order to show cause or the motion to dismiss, nor has he requested additional time to do so or otherwise communicated with the Court.

There is no indication that Plaintiff is not receiving this Court's orders. In fact, he was

<sup>1</sup> The other three defendants, Andrew J. Dancha, Ryan Mathews and “Welpath,” filed an Answer to the Complaint (ECF No. 5).

directed to submit an election for trial/jurisdiction by district judge or magistrate judge and he did so on December 2, 2020 (ECF No. 16).

Therefore, it is ORDERED that Defendants Harper and Stechschulte are dismissed from this case.

SO ORDERED this 19th day of January, 2021.

/s/ Patricia L Dodge  
PATRICIA L. DODGE  
United States Magistrate Judge

cc: David Payo  
07057068  
FCI Hazelton  
Federal Correctional Institution  
P.O. Box 5000  
Bruceton Mills, WV 26525